

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327
THIS DOCUMENT RELATES TO: WAVE 1 CASES	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**DEFENDANTS' MOTION TO EXCLUDE
CERTAIN OPINIONS OF ALAN GARELY, M.D.**

Defendants Ethicon, Inc. and Johnson & Johnson (hereinafter "Ethicon") move to exclude certain opinions of Alan Garely, M.D. In support of this motion, Ethicon states:

1. Plaintiffs improperly seek to elicit testimony from Dr. Garely that is well beyond his expertise, such as opinions related to the adequacy of product warnings, opinions as to design and biocompatibility of the meshes in Prolift and Prolift +M, and the knowledge and state of mind of the parties.

2. Many of Dr. Garely's general causation opinions are unreliable, lacking in acceptable methodology or scientific support, and are thus inadmissible.

Ethicon incorporates by reference its Memorandum of Law in Support of its Motion to Exclude Certain Opinions of Alan Garely, M.D., and the following exhibits:

EXHIBIT	DESCRIPTION
A	Case List
B	Rule 26 Expert Report of Alan D. Garely, M.D., Prolift

- C Excerpts from the Deposition of Alan D. Garely, M.D., dated April 15, 2016
- D Gynecare Prolift IFU © 2004
- E Prolift Surgeon's Resource Monograph

WHEREFORE, FOR THESE REASONS and as more fully set forth in Ethicon's supporting Memorandum of Law, Ethicon respectfully requests that this Court enter an order granting Ethicon's Motion to Exclude Certain Opinions of Alan Garely, M.D.

Dated: May 5, 2016

Respectfully submitted,

/s/ Christy D. Jones
Christy D. Jones
Butler Snow LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
(601) 985-4523
christy.jones@butlersnow.com

/s/ David B. Thomas
David B. Thomas (W.Va. Bar #3731)
Thomas Combs & Spann PLLC
300 Summers Street
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
(304) 414-1807
dthomas@tcspllc.com

/s/ Kelly S. Crawford
Kelly S. Crawford
Riker Danzig Scherer Hyland &
Perretti, LLP
Headquarters Plaza
One Speedwell Avenue
Morristown, NJ 07962-1981
(973) 451-8417
kcrawford@riker.com

COUNSEL FOR DEFENDANTS
ETHICON, INC. AND JOHNSON & JOHNSON

CERTIFICATE OF SERVICE

I certify that on May 5, 2016, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ Kelly S. Crawford
Kelly S. Crawford